

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JUL 23 2007 11:35

DAVID J. MALAND, CLERK

BY DEPUTY shd

HYBRID PATENTS, INC., §
Plaintiff, §
§
v. § CIVIL ACTION NO 2:05-CV-436 (TJW)
§
CHARTER COMMUNICATIONS, INC., §
Defendant. §

VERDICT FORM

QUESTION NO. 1:

Do you find by a preponderance of the evidence that the defendant infringes any of the following claims of the patents with respect to the sale of its high speed cable internet services?

Answer "Yes" or "No" for each asserted claim.

'774 patent:

Claim 11 No

Claim 24 No

Claim 38 No

'121 patent:

Claim 52 No

'727 patent:

Claim 16 No

If you have answered "Yes" to any part of Question No. 1, then answer Question No. 2.

Otherwise, do not answer Question No. 2, but proceed to Question No. 3.

QUESTION NO. 2:

Do you find by clear and convincing evidence that such conduct, as you have found in answer to Question No. 1, was willful?

Answer "Yes" or "No."

Answer: No

Proceed to Question No. 3.

QUESTION NO. 3:

Do you find by clear and convincing evidence that any of the following claims of the patents are invalid because the written description did not describe the claimed invention?

Answer "Yes" or "No" for each asserted claim.

'774 patent:

<u>Claim 11</u>	<u>No</u>
<u>Claim 24</u>	<u>No</u>
<u>Claim 38</u>	<u>No</u>

'121 patent:

<u>Claim 52</u>	<u>No</u>
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'727 patent:

<u>Claim 16</u>	<u>No</u>
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QUESTION NO. 4:

Do you find by clear and convincing evidence that any of the following claims of the patents are invalid because the written description did not enable one of ordinary skill to make and use the claimed invention?

Answer "Yes" or "No" for each asserted claim.

'774 patent:

Claim 11 No

Claim 24 No

Claim 38 No

'121 patent:

Claim 52 No

'727 patent:

Claim 16 No

QUESTION NO. 5:

Do you find by clear and convincing evidence that any of the following claims of the '774 patent are invalid because there was no error in the originally filed claims or that any such error resulted from deceptive intent?

Answer "Yes" or "No" for each asserted claim.

'774 patent:

Claim 11 No

Claim 24 No

Claim 38 No

If you have answered "Yes" to any part of Question No. 1 and for any claim that you have not found invalid in answer to Question Nos. 3, 4, and 5, then answer Question No. 6. Otherwise, do not answer Question No. 6. The jury foreperson should sign and date the Verdict Form and return it to the Security Officer.

QUESTION NO. 6:

What sum of money, if any, if paid now in cash, would fairly and adequately compensate the plaintiff for damages for infringement, if any, that you have found in answer to Question No. 1?

Answer in dollars and cents, if any, for the following periods.

July 1, 2002 to September 30, 2005:

Answer: _____

October 1, 2005 to present:

Answer: _____

SIGNED this 23 day of July, 2007.

JURY FOREPERSON